

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

Alyssa Portnoy and Darlene Portnoy,	:	Case No: 1:17-cv-834
	:	
Plaintiffs,	:	Judge: Michael R. Barrett
	:	
v.	:	
	:	
National Credit Systems, Inc., <i>et al.</i> ,	:	Defendant National Credit Systems, Inc.s
	:	Memorandum in Opposition to Plaintiffs'
Defendants.	:	Motion for Hearing
	:	

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Now comes Defendant National Credit Systems, Inc. (“NCS”) and for its memorandum in opposition to Alyssa and Darlene Portnoy’s (hereinafter, “Plaintiffs”) motion for hearing, and in support thereof, states as follows:

Plaintiffs filed a motion for pre-trial conference on November 30, 2021, at ECF 135 (hereinafter, the “Motion”). Plaintiffs’ Motion seeks a pretrial conference based upon on scantily-stated reasoning and allegations, limited to “(1) Defendants’ motion with supporting memorandum to dismiss and (2) the additional letters provided by Defendants, proving Defendants and their counsel made misrepresentations of material facts regarding the number of letters NCS sent to former relevant Williamsburg tenants to collect the relevant illegal debt.” *Id.* Moreover, these allegations of wrong-doing are wholly unsupported by citation to any record evidence or docket number (or other such support), and are unequivocally denied by NCS.

Furthermore, NCS states that its motion to dismiss (ECF Doc. # 120) is ripe for this Court’s consideration. Plaintiffs have filed their opposition to the motion to dismiss (ECF Doc. # 125-126) and did not oppose any factual underpinnings in NCS’s argument, and instead relied upon pre-*Spokeo* and pre-*Ramirez* case law, which is wholly erroneous,

inapplicable, and outdated. On October 5, 2021, NCS re-affirmed its position regarding this matter and Plaintiffs' lack of Article III Standing when filing its reply in support of the motion to dismiss (ECF Doc. # 129). Because the motion to dismiss is fully briefed, NCS respectfully states that there is no need for an additional hearing unless or until a ruling is issued on the dispositive motion, should any claim survive.

Respectfully submitted,

/s/Boyd W. Gentry

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**Certificate of Service**

I certify that a copy of the foregoing has been served by the Court's CM/ECF service to all counsel of record on December 6, 2021.

/s/Boyd W. Gentry

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